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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,565	12/19/2001	Anthony Patrick Mauro II	020145	4964
23696	7590	05/12/2006	EXAMINER	
QUALCOMM, INC 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			FERGUSON, KEITH	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/029,565	<b>Applicant(s)</b> MAURO, ANTHONY PATRICK	
	<b>Examiner</b> Keith T. Ferguson	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,5 and 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,6 and 8-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                        |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____   |

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**DETAILED ACTION**

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1,4,6 and 8-13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rydbeck et al. in view of Rajchel.

Regarding claims 1,4,6 and 8-13, Rydbeck et al. discloses a mobile telephone (apparatus)(col. 2 lines 1-56)/method (fig. 3) for providing configurable functionality to a communication device (fig. 1), a memory for storing a plurality of software modules which provides a specific functionality to set up a communication (fig. 1 numbers 120 and 220), a host processor for receiving a command to set up a communication and for selecting one of said plurality of software models based on the type of

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communication desired (col. 3 lines 35-51), said digital processor for uploading (storing) one of said plurality of software modes and for executing one of said plurality of software modules (col. 3 lines 35-51). Rydbeck et al. differs from claims 1,4,6 and 8-13 of the present invention in that it does not disclose a data communication module. Rajchel teaches a personal digital assistant (fig. 2) with wireless telephone functions that can select a paging (i.e. a data communication module) communication module for communication services (col. 1 lines 21-51 and col. 5 lines 20-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rydbeck et al. mobile telephone with a data communication module in order for the mobile telephone to detect a paging network so that the user could page a distant friend, as taught by Rajchel.

### ***Response to Arguments***

4. Applicant's arguments filed February 23, 2006 have been fully considered but they are not deemed to be persuasive. The following are explanations to the applicant arguments:

Argument: Regarding claims 1,4,6 and 8-13, Applicant alleges that the combination of Rydbeck and Rajchel do not disclose or suggest a first multi-media module, a second multi-media module, a first cipher algorithm, a second cipher algorithm, a first vocoder, a second vocoder, a first audio front-end module, a second front-end module, a first DSP interface, and a second DSP

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interface, a first secure communication module, as second communication module, a first asynchronous communication module, of a voice communication module.

Explanation: Examiner agrees with applicant. For example, claim 1, lines 5-9, claim limitation "a host processor for receiving a command to set up a communication, said command comprising information relating to the type of communication desired, and for selecting **at least one** of said plurality of software modules based on the type of communication desired, and loading at least one of said plurality of software modules into a digital signal processor, wherein the software are selected from [the] a group comprising of a first multi-media module, a second multi-media module, a first cipher algorithm, a second cipher algorithm, a first vocoder, a second vocoder, a first audio front-end module, a second front-end module, a first DSP interface, and a second DSP interface, a first secure communication module, as second communication module, a first asynchronous communication module, of a voice communication module and a data communication module. Applicant needs a semicolon --;-- after "a voice communication module" in order for the host processor to select at least one module from a group and a data communication module, which reads over the prior art of record.

**5. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY

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EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (571) 272-7865. The examiner can normally be reached on 6:30am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keith Ferguson  
Art Unit 2617  
May 9, 2006

**KEITH FERGUSON**  
**PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read "Keith F.", followed by a horizontal line.